

FLOYD ALLEN TRIAL BEGINS

Continued from Page 1.

Allen's countenance as he heard these recitals. He wore an expression of gravity and was nervous. Frequently he winced.

Indictment Is Read.

The jurors took their seats at 9:20 o'clock—twelve ruddy young men, all save two clean shaven. Ten minutes later Judge Staples took his place on the bench and the clerk proceeded to read the indictment upon which Allen will be tried. It charges Allen with the murder of Commonwealth Attorney William F. Foster and in several counts sets forth the Hillsville horror in great detail. Foster, it declares, was struck by five bullets and died in thirty minutes.

The clerk then explained to the jury that the defendant might be found guilty of first degree murder, which means death; second degree murder, which means imprisonment for from five to eighteen years; voluntary manslaughter from one to five years, or of involuntary manslaughter, which is punishable by a fine and a jail sentence.

Prosecutors' Address.

J. C. Wysof, chief counsel for the state in his opening address characterized the Allen gang as ruffians, outlaws and cold-blooded assassins. He laid great stress on the charge of conspiracy.

"If we prove a conspiracy to kill," he said, "it doesn't matter whether Floyd Allen actually shot Foster or not. If he entered into a conspiracy to kill the court, it doesn't matter who actually killed Foster. Floyd Allen would be equally guilty of killing Foster, the judge and the sheriff. We intend to prove beyond reasonable doubt that these men conspired and confederated to shoot up the court and shoot down the law."

"After they had executed the court-room slaughter the outlaws were heard to say on the court green, 'Let's kill every damned one of them. Then they fled. We intend to show that the prisoner committed eleven felonies at one time. He murdered five men and attempted to murder six others, because if there was a conspiracy he was guilty of all."

Opening of Defense.

The opening address of Attorney R.

H. Willis for the defense was brief. He declared his client had been the victim of gross exaggerations. He denied that Allen killed Miss Nancy Ayres; it was the bullets of either Clark Dexter Goad or one of his deputies that killed her, he said. He denied the existence of a conspiracy, and declared Allen did not draw his own gun until after he had been shot and then drew it from his hip pocket not from his vest pocket beneath his sweater.

Judge D. W. Bolen of Hillsville, a pillar of that faction that fights at all times for law and order in the mountains, then took the witness chair. Judge Bolen said he was in the court room at the time of the tragedy. He had been Floyd Allen's counsel. He declared that Claude Allen fired the first shot.

Describes Tragedy.

"I saw him raise his pistol and fire," he testified. "The pistol ranged toward Judge Massie. Another shot, the second, came from the same direction. I don't know who fired it. A line of dust seemed to rise from Judge Massie's shoulder at the first shot. Massie at that time was looking at Floyd Allen."

"Sidna Allen, Victor and Floyd Allen then opened a rapid fire," he continued. "The court officers returned the fire."

Asked what happened immediately before the shooting, Judge Bolen said: "When Judge Massie ordered the sheriff to take the prisoner away, Allen rose from his seat and declared, 'I just tell you I ain't agoin' to go.' The shooting started immediately. I saw Floyd Allen unbutton his sweater and take his pistol from his vest pocket."

Alleged Threat.

Judge Bolen was severely cross-examined by the defense, but his story could not be shaken.

S. B. Weddell was the principal witness at the afternoon session. Weddell is a former resident of Hillsville and he saw Floyd Allen there the day before the tragedy. Allen told him that day, the witness declared, "I will kill Bill Foster before the sun goes down tomorrow night if I am convicted."

Weddell said he had always been a close friend of the prisoner.

Developing the conspiracy angle of their case, the prosecution then called to the stand T. S. Coubon, a mountain youth and neighbor of Floyd Allen. Coubon said he was in Hillsville at the December term of court when he overheard a conversation between one Sanders McMillen and Floyd Allen. Pointing toward the court house, according to the witness, Allen said:

"If I don't get a fair trial up there I will make the biggest hole in that courthouse of any that has ever been there."

McMillen replied:

"Floyd, let that be the last thing you ever do."

Allen replied: "I will do it."

Coubon stoutly adhered to his statement, despite a grilling cross-examination.

Jurors on Stand.

James N. Early, one of the jurors who found Allen guilty, was next called to the stand and he described the shooting as follows:

"When the verdict was pronounced I saw the prisoner got up from his chair. He said, 'I won't stand for it,' or something like that. He then began to unbutton his sweater. He was slow in getting his gun out. The firing had already commenced. I got out of the court room just as fast as I could. On the court lawn I encountered Floyd Allen. He said to me:

"There is one of the damned rascals. I'll get you, too," whereupon he fired two shots at me. Neither hit

me. I dodged and ran."

Early added that he saw Allen shoot in the direction of the witness box. Early's testimony was corroborated in detail by W. F. Nester, another member of the jury. He said Allen fired at least one shot.

W. E. Cooley, superintendent of the Carroll county schools, testified that Allen had complained to him some months ago that Commonwealth Attorney Foster had written a letter to a friend referring to him in uncomplimentary terms and Allen had threatened to get even. Whether the two men had ever had an interview on the subject Cooley did not know.

The Devil at the Liberty

Monday, Tuesday and Wednesday a sketch taken from the greatest moral play ever written, "The Devil," will be presented at the Liberty. Beatrice Fairfax says: "There is a great lesson for all women and men in this wonderful play. It is one that will impress with its power. But I am glad to say that I do not believe fully in its truth. The Devil in the play wins his victory, as he has won many. But each year as men and women get better the victories of Satan are fewer. Good men and good women fight against evil and do not yield. The tragic heart-breaking story, by the wonderful new writer tells one side of the battle between good and evil that goes on in every heart. It has its lesson for all men and women. It is a powerful warning against playing with fire. Its lesson taught in the downfall of the man and woman is, keep away from evil and the appearance of evil."

Mr. Bert Porter was featured out of Chicago in this play under the management of John G. Rae and assures the patrons of the Liberty a first-class act well produced with new scenic effects.

The Oak

This house is again to the front with some excellent comedy subjects. Tonight "A Tenderfoot's Troubles," "The Delicatessen Store" and "Curing the Office Boy" are certainly laugh getters.

The Essanay production "The Wife of a Genius" and "The Hypnotist Detective" by Selig company are heavy dramatic stories, the bill being completed with a splendid scenic picture "A Trip to Madeira."

The double prize contest now on is drawing large crowds nightly.

Summer Rates on Coal

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Cement Walks For Smithfield

At a recent meeting of the Smithfield city council the paving contract for cement walks in that city was awarded to Joseph E. Wilson of Logan. Several local cement men were in competition for the job and one, it is understood entered a bid slightly below that of Mr. Wilson, but, for reasons known best to the council, that bid was passed up and the contract awarded. It is roughly estimated that the work will be completed at an expense to the city and abutting property owners of about \$3,500.

"SURGERY BY WIRELESS"

LATEST DEVELOPMENT

New Orleans, April 29.—Hoy a laborer on Swan Island, a lonely wireless station in the gulf, suffered a crushed foot; how the wireless operator on the island communicated with a ship 420 miles away, raised the surgeon and got him to explain the proper way to amputate; then how the operator's assistant performed the amputation is a story told by the manager of a big shipping firm today. New Orleans physicians described it as "surgery by wireless."

On Swan Island is a wireless station, one of the links in the chain to the tropics. When a laborer's foot was hurt in a tramcar accident the operator concluded an operation was imperative. There was no one at the station that ever had hacked at a fellow-being.

Then the operator had an "inspiration." He called a fellow craftsman on a ship passing 420 miles below in

the aribbean sea. The situation was explained to the ship's surgeon and detail by detail he explained just how the amputation should be handled. After the arteries had been tied and the wound dressed the patient recovered his senses and insisted on pressing at the wireless key to express his thanks. At last accounts he was getting well.

Harvester Trust

Washington, April 29.—A civil suit seeking the dissolution of the International Harvester company under the Sherman law will be filed in St. Paul tomorrow. This is the culmination of an investigation extending over five years.

The International Harvester company is a \$140,000,000 corporation composed of six subsidiaries—McCormick, Deering, Champion, Milwaukee, Osborne and Plano.

The refusal of the company to separate in any plan of dissolution the

McCormick and Deering companies, said to be its two principal subsidiaries, rendered futile the efforts of Attorney General Wickersham and the International's counsel to reach an agreement. The government maintained that the so-called trust as a whole controlled from 85 to 90 per cent of the harvester business of the country and the McCormick and Deering firms represented from 60 to 65 per cent of the business. Under these conditions the attorney general refused to consent to any plan which held the McCormick and Deering companies as one.

The Harvester company is spreading into many side lines of farming equipments in addition to harvesters, such as farm wagons, motor trucks and cream separators and department of justice officials maintain that unless the disintegrated concerned possess far less than 50 per cent of the business possibilities would be opened for monopoly in many farming implements in addition to harvesters.



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